

ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The court received and considered the Report and Recommendation of the United States Magistrate Judge pursuant to such referral, along with the record, pleadings, and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the Report and Recommendation of the United States Magistrate Judge (#10) is **ADOPTED**. Defendant's Motion to Dismiss (#6) is **DENIED**.

SIGNED at Beaumont, Texas, this 29th day of March, 2023.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE